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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/721,819	DANIEL ET AL.
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 June 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/19/2006, and 05/08/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This office action is responsive to communication Reply filed on 06/22/2007.

Information Disclosure Statement

1.   The references listed on the Information Disclosure Statement submitted on

07/19/2006, 11/24/2003 and 05/08/2007 have been considered by the examiner (see

attached PTO-1449A).

Response to Amendment/Arguments

2.   Claims 1-6 remain pending in the application.   No claim has been amended or

cancelled herein. Claims 1-6 represent a method and apparatus for a "TOOL FOR

DISPLAYING JMX MONITORING INFORMATION."

Applicant's arguments with respect to independent claims 1, 3, and 5 have been

carefully considered, but are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the existing ground of rejection as explained here below.

Applicant has made no amendments to the independent claims as to perhaps place

them in condition for allowance.

The dependent claims stand rejected as articulated in the First Office Action and

all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to

"clearly point out the patentable novelty which he or she thinks the claims present in

view of the state of the art disclosed by the references cited or the objections made. He

or she must show the amendments avoid such references or objections."

Applicant's Request for Reconsideration filed on 06/22/2007 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention:

Applicant submits that Reddy does not anticipate claims 1-6 because Reddy

does not perform a monitoring function in the same way that applicant's invention

performs monitoring. Specifically, Reddy, uses a servlet engine (reference 64, para

[0018]) to generate a web page. Commands may be transmitted to a management

layer. The management layer monitors applications in the system through agents

(reference 72, para [0019]). The agents are pre-existing and are in place when the

request is made (the agents are pre-existing because they are included in the

management layer, line 4, para. [0019]). Each agent monitors a specific application and

the agent may be a JMX agent. The agents include one or more monitors (managed

JAVA objects) that are used to detect events (para. [0019]). The monitors may generate

messages to be communicated to the agent (para. [0020]). The messages are

displayed on a web browser (see para. [0026]). Applicant further contends that While

there are similarities between Reddy and applicant's claimed invention, applicant

generates the parallel requests each time a request is made by a user without pre-

existing agents and monitors. Applicant allows a user to request a web page for a

report, A first servlet generates an "image tag" which does two things: first, it points to

another, servlet, and second, it provides information to perform a JMX query. Thus a

request can be broken down by image tags and each query can run in parallel. In other

words, applicant's first servlet configures a plurality of image tags, each of which obtains

a result to answer the user request, and each of which run in parallel. By generating the

individual requests by the image tags, applicant eliminates the need for preexisting

agents in the system to perform monitoring. Stated another way, applicant's "image

tags" are not disclosed by Reddy.

It the position of the Examiner that Reddy in details disclose the invention as

claimed. However, in view of Applicant's remarks, The Office respectfully concludes

that the applicant mischaracterizes the teachings of Reddy and that the argument

above is moot in light of the spirit of the teachings of Reddy.   The examiner thanks the

Applicant for underlining among other relevant aspects of the teachings of Reddy the

fact there are similarities among the teachings of Reddy and the claimed invention. The

Applicant referenced par. 0018, and 0019 of Reddy, to underline that Reddy teaches

using a servlet engine to generate a web page and that the monitoring is done through

the management layer, utilizing monitors via agents. The Examiner disagrees. Namely,

Reddy discloses a monitoring that allows a user to display a web page for a report

through the use of agents that are specifically JMX agents. Furthermore, Applicant

claims "allowing a user to request a web page for a report, a first servlet generates an

"image tag" which does two things: first, it points to another, servlet, and second, it

provides information to perform a JMX query". Thus a request can be broken down by

image tags and each query can run in parallel. The spirit of Reddy is in fact teaching the

same concept. There is no restriction in Reddy of building the agent code as servlets

and in a second step using the servlets agents to provide the information to perform the

JMX query. In paragraph 0019, it is specified that any Java code, manage beans,

Servlets, JMX, etc...can be used as agents to transmit the requests...

Examiner notes that applicant has failed in presenting claims and drawings that

delineate the contours of this invention as compared to the cited prior art. Applicant has

failed to clearly point out patentable novelty in view of the state of the art disclosed by

the references cited that would overcome the 102(e) anticipation rejections applied

against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Reddy et al

(Reddy), Patent No. 6,941,349 B2.

Regarding **claim 1-20**, Godfrey discloses:

1. A method for displaying JMX monitoring information (fig. 2), comprising:

receiving a request for a web page containing the status of a plurality of system

components (par 0018);

calling a first servlet operable to: generate a plurality of image tags, each corresponding

to one of the components and pointing to an instance of a second servlet, each image

tag comprising information to perform a JMX query; and generate an HTML file

comprising the plurality of image tags (par 0018; and 0019);

loading in a web browser the web page based on the HTML file(item 22, and 62; and

par 0018);

transmitting requests to the instances of the second servlet substantially in parallel for

images represented by each image tag (fig. 2, item 30, a-n, item 64; *note the use of*

multiple domain with the second servlet originating from the 2nd domain); and

for each instance of the second servlet:

performing a JMX query based upon the information within the image tag

(0018, and 0026);

receiving a response from the JMX query, the response including a value

representative of the status of the corresponding component;

generating an image comprising the returned value; transmitting the image

to the browser; and displaying the image (0024, 0026; *note the custom view or*

display that displays the selected information).

2. The method of claim 1, wherein displaying the image of a returned value representing

the status of a corresponding component is not dependent upon the display of the

image of a returned value representing the status of any other component (par 0024, and 0026).

3. A JMX status monitoring tool, (fig. 2) comprising: a client device (item 20); a browser running on the client device (item 22); a plurality of system components, each component having a current status (item 42; par 0014); a plurality of instances of a first servlet, each instance corresponding to one of the plurality of system components (item 64); and

a second servlet callable from the browser and programmed to: generate a plurality of image tags, each corresponding to one of the plurality of components and pointing to an instance of a first servlet, each image tag comprising information to perform a JMX query; and generate an HTML file comprising the plurality of image tags (par 0018; and 0019; fig. 2, item 30, a-n, item 64);

the browser programmed to:

load a web page based on the HTML file; and transmit requests to the instances of the first servlet substantially in parallel for images represented by each image tag; and each instance of the first servlet programmed to: perform a JMX query based upon the information within the image tag (0018, 0019, 0026);

receive a response from the JMX query, the response including a value representative of the status of the corresponding component; generate an image comprising the returned value; transmit the image to the browser; and display the image (0018, 0019, 0024, and 0026).

4. The status monitoring tool of claim 3, wherein displaying the image of a returned

value representing the status of a corresponding component is not dependent upon the

display of the image of a returned value representing the status of any other

component.

5. A computer program product of a computer readable medium usable with a

programmable computer, the computer program product having computer-readable

code embodied therein for displaying JMX monitoring information, the computer-

readable code comprising instructions for: receiving a request for a web page containing

the status of a plurality of system components (0018, and 0019);

calling a first servlet operable to: generate a plurality of image tags, each

corresponding to one of the components and pointing to an instance of a second

servlet, each image tag comprising information to perform a JMX query; and generate

an HTML file comprising the plurality of image tags; loading in a web browser the web

page based on the HTML file(fig. 2, item 30, a-n, item 64; 0018, 0019, and 0026);

transmitting requests to the instances of the second servlet substantially in

parallel for images represented by each image tag; and for each instance of the second

servlet: performing a JMX query based upon the information within the image tag(0018,

0019, 0024, and 0026);

receiving a response from the JMX query, the response including a value

representative of the status of the corresponding component; generating an image

comprising the returned value; transmitting the image to the browser; and displaying the

image (0018, 0019, 0024, and 0026).

6. The program product of claim 5, wherein displaying the image of a returned value

representing the status of a corresponding component is not dependent upon the

display of the image of a returned value representing the status of any other component

(0018, 0024, and 0026).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded

of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from

examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

3914. The examiner can normally be reached on Monday-Thursday and every other

Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

September 08, 2007

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100